

Fill in this information to identify your case:

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF NEW YORK

Case number *(if known)* _____ Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name 36-60 Route 303 Associates, LLC

2. All other names debtor used in the last 8 years
Include any assumed names, trade names and *doing business as* names

3. Debtor's federal Employer Identification Number (EIN) 27-0305730

4. Debtor's address	Principal place of business	Mailing address, if different from principal place of business
	<u>36-60 Route 303</u> <u>Valley Cottage, NY 10989</u> Number, Street, City, State & ZIP Code	<u>c/o Hesper Realty</u> <u>38-60 Route 303</u> <u>Valley Cottage, NY 10989</u> P.O. Box, Number, Street, City, State & ZIP Code
	<u>Rockland</u> County	Location of principal assets, if different from principal place of business _____ Number, Street, City, State & ZIP Code

5. Debtor's website (URL) _____

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify: _____

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☒ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☐ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

5311

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. Check all that apply:

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☒ No.
- ☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- ☒ No
- ☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor	_____	Relationship	_____
District	_____	When	_____
		Case number, if known	_____

11. Why is the case filed in this district?

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☒ No

☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? _____

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other _____

Where is the property? _____

Number, Street, City, State & ZIP Code

Is the property insured?

☐ No

☐ Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

☒ 1-49

☐ 50-99

☐ 100-199

☐ 200-999

☐ 1,000-5,000

☐ 5001-10,000

☐ 10,001-25,000

☐ 25,001-50,000

☐ 50,001-100,000

☐ More than 100,000

15. Estimated Assets

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☒ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

16. Estimated liabilities

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☒ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

Debtor 36-60 Route 303 Associates, LLC
Name

Case number (if known) _____

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 11, 2016
MM / DD / YYYY

X /s/ Martin Tenenbaum
Signature of authorized representative of debtor

Martin Tenenbaum
Printed name

Title Managing Member

18. Signature of attorney

X /s/ Dawn Kirby
Signature of attorney for debtor

Date May 11, 2016
MM / DD / YYYY

Dawn Kirby
Printed name

DelBello Donnellan Weingarten Wise & Wiederkehr, LLP
Firm name

One North Lexington Avenue
White Plains, NY 10601
Number, Street, City, State & ZIP Code

Contact phone (914) 681-0200 Email address _____

Bar number and State

Fill in this information to identify the case:

Debtor name 36-60 Route 303 Associates, LLC

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF NEW YORK

Case number (if known) _____

☐ Check if this is an amended filing

Official Form 202

Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☐ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☐ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☐ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☐ *Schedule H: Codebtors* (Official Form 206H)
- ☐ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ *Amended Schedule*
- ☒ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☐ Other document that requires a declaration _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 11, 2016

X /s/ Martin Tenenbaum

Signature of individual signing on behalf of debtor

Martin Tenenbaum

Printed name

Managing Member

Position or relationship to debtor

Fill in this information to identify the case:

Debtor name 36-60 Route 303 Associates, LLC
 United States Bankruptcy Court for the: SOUTHERN DISTRICT OF NEW YORK
 Case number (if known): _____

☐ Check if this is an
 amended filing

Official Form 204
Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders
12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
V&A Restaurant Inc. d/b/a Cinco De Mayo 40-44 Route 303 Valley Cottage, NY 10989		Security Deposit	Contingent Subject to Setoff			\$12,000.00
303 Restaurant LLC d/b/a Whiskey Kitchen 56-60 Route 303 Valley Cottage, NY 10989		Security Deposit				\$10,000.00
Winky Dink Ink Corp. 54 Route 303 Valley Cottage, NY 10989		Security Deposit	Contingent Subject to Setoff			\$5,760.00
Subway Real Estate LLC 325 Bic Drive Milford, CT 06461		Security Deposit	Contingent Subject to Setoff			\$5,220.00
Elite Fitness Training 50 Route 303 Valley Cottage, NY 10989		Security Deposit	Contingent Subject to Setoff			\$4,400.00
S&J Service Center 245 S Central Avenue Hartsdale, NY 10530		Truck Repair				\$4,000.00
Biriyani Palace LLC 36 Route 303 Valley Cottage, NY 10989		Security Deposit	Subject to Setoff			\$3,000.00
SFA Landscaping 14 Cambridge St E Valhalla, NY 10595						\$704.00
A&R Alarm						\$0.00

Debtor 36-60 Route 303 Associates, LLC
Name

Case number (if known) _____

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Rand Commercial Services 268 S. Main Street Ste B New City, NY 10956		Broker Fee	Contingent Unliquidated			\$0.00

United States Bankruptcy Court
Southern District of New York

In re 36-60 Route 303 Associates, LLC

Debtor(s)

Case No.

Chapter

11

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	\$	25,000.00
Prior to the filing of this statement I have received	\$	25,000.00
Balance Due	\$	0.00
2. \$ 1,717.00 of the filing fee has been paid.
3. The source of the compensation paid to me was:

☐ Debtor ☒ Other (specify): Martin Tenenbaum
4. The source of compensation to be paid to me is:

☒ Debtor ☐ Other (specify):
5. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.
☐ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.
6. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:
 - a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
 - b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
 - c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
 - d. Representation of the debtor in adversary proceedings and other contested bankruptcy matters;
 - e. [Other provisions as needed]
7. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

May 11, 2016*Date*/s/ Dawn KirbyDawn Kirby*Signature of Attorney*DelBello Donnellan Weingarten Wise & Wiederkehr, LLPOne North Lexington AvenueWhite Plains, NY 10601(914) 681-0200 Fax: (914) 684-0288*Name of law firm*

**United States Bankruptcy Court
Southern District of New York**

In re 36-60 Route 303 Associates, LLC

Debtor(s)

Case No.

Chapter

11

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Karen Tenenbaum 47 Paret Lane Hartsdale, NY 10530		90%	
Martin Tenenbaum 47 Paret Lane Hartsdale, NY 10530		10%	

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the Managing Member of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date May 11, 2016

Signature /s/ Martin Tenenbaum
Martin Tenenbaum

*Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.*

**United States Bankruptcy Court
Southern District of New York**

In re 36-60 Route 303 Associates, LLC

Debtor(s)

Case No. _____

Chapter 11

VERIFICATION OF CREDITOR MATRIX

I, the Managing Member of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: May 11, 2016

/s/ Martin Tenenbaum

Martin Tenenbaum/Managing Member
Signer/Title

303 RESTAURANT LLC
D/B/A WHISKEY KITCHEN
56-60 ROUTE 303
VALLEY COTTAGE, NY 10989

A&R ALARM

AMALFI REALTY LLC
36-60 ROUTE 303
VALLEY COTTAGE, NY 10989

AMALFI REALTY LLC
C/O CANAVAN & KAUFMAN ESQ.
ONE WATER STREET
WHITE PLAINS, NY 10601

AMALFI REALTY LLC
26 RIDGEWAY CIRCLE
WHITE PLAINS, NY 10605

BIRIYANI PALACE LLC
36 ROUTE 303
VALLEY COTTAGE, NY 10989

COMMISSION OF FINANCE
18 NEW HEMPSTEAD ROAD
NEW CITY, NY 10956

ELITE FITNESS TRAINING
50 ROUTE 303
VALLEY COTTAGE, NY 10989

LEHRMAN, LEHRMAN & GUTTERMAN
199 MAIN STREET
WHITE PLAINS, NY 10601

RAND COMMERCIAL SERVICES
268 S. MAIN STREET STE B
NEW CITY, NY 10956

S&J SERVICE CENTER
245 S CENTRAL AVENUE
HARTSDALE, NY 10530

SFA LANDSCAPING
14 CAMBRIDGE ST E
VALHALLA, NY 10595

SLACKY & SLACKY CPAS
100 VETERANS BLVD. STE 9
MASSAPEQUA, NY 11758

STERM INSURANCE

SUBWAY REAL ESTATE LLC
325 BIC DRIVE
MILFORD, CT 06461

SUBWAY STORE
46 ROUTE 303
VALLEY COTTAGE, NY 10989

THOMAS HUMBACH, COUNTY ATTORNE
ANTONIO REDA, OF COUNSEL
11 NEW HEMPSTEAD ROAD
NEW CITY, NY 10956

TOWN OF CLARKSTOWN
TOWN CLERK
10 MAPLE AVENUE
NEW CITY, NY 10956

V&A RESTAURANT INC.
D/B/A CINCO DE MAYO
40-44 ROUTE 303
VALLEY COTTAGE, NY 10989

WINKY DINK INK CORP.
54 ROUTE 303
VALLEY COTTAGE, NY 10989

**United States Bankruptcy Court
Southern District of New York**

In re 36-60 Route 303 Associates, LLC

Debtor(s)

Case No.

Chapter

11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for 36-60 Route 303 Associates, LLC in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

May 11, 2016

Date

/s/ Dawn Kirby

Dawn Kirby

Signature of Attorney or Litigant

Counsel for 36-60 Route 303 Associates, LLC

DelBello Donnellan Weingarten Wise & Wiederkehr, LLP

One North Lexington Avenue

White Plains, NY 10601

(914) 681-0200 Fax: (914) 684-0288

**United States Bankruptcy Court
Southern District of New York**

In re 36-60 Route 303 Associates, LLC

Debtor(s)

Case No. _____

Chapter 11

STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION

I, Martin Tenenbaum, declare under penalty of perjury that I am the Managing Member of 36-60 Route 303 Associates, LLC, and that the following is a true and correct copy of the resolutions adopted by the Board of Directors of said corporation at a special meeting duly called and held on the 11th day of May, 2016.

"Whereas, it is in the best interest of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that Martin Tenenbaum, Managing Member of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that Martin Tenenbaum, Managing Member of this Corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that Martin Tenenbaum, Managing Member of this Corporation is authorized and directed to employ Dawn Kirby, attorney and the law firm of DelBello Donnellan Weingarten Wise & Wiederkehr, LLP to represent the corporation in such bankruptcy case."

Date May 11, 2016

Signed /s/ Martin Tenenbaum

Martin Tenenbaum

Resolution of Board of Directors
of
36-60 Route 303 Associates, LLC

Whereas, it is in the best interest of this corporation to file a voluntary petition in the the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that Martin Tenenbaum, Managing Member of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that Martin Tenenbaum, Managing Member of this Corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that Martin Tenenbaum, Managing Member of this Corporation is authorized and directed to employ Dawn Kirby, attorney and the law firm of DelBello Donnellan Weingarten Wise & Wiederkehr, LLP to represent the corporation in such bankruptcy case.

Date May 11, 2016

Signed /s/ Martin Tenenbaum
Martin Tenenbaum, Managing Member